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REMARKS

In the instant response, claims 1, 17, 18, 33, 41, 44, and 48 are being amended; claims 26, 28-31, 36-39, and 47 are being canceled; and claims 52-55 are being added. Support for amendments to claims 1, 17, 18, 33, 41, 44, and 48 are supported by the specification, in general, and the claims as originally filed. Support for new claims 52 and 53 find support in canceled claims 20 and 22, respectively. New claims 54 and 55 drawn to the use of exendins in the practice of the claimed method find support at least at page 9, line 2, in the specification.

Applicants note with appreciation that the Patent Office has found Applicants' amendments and arguments (submitted in a Preliminary Amendment filed June 28, 2002) sufficient to overcome the indefinite rejection of claims 20, 41, and 44; the anticipation rejection over Habener, U.S. Patent No. 5,614,492; and the obviousness rejection over the Specification disclosure as to the state of the prior art in view of Habener, and/or Eng U.S. Patent No. 5,424,286.

Upon review of the June 28, 2002, filed amendment and argument referenced by the Patent Office, it appears that the previous attorneys of record introduced additional language in the claims that were not necessary for patentability. In addition, a brief conversation with the Examiner of record on August 28, 2003, indicated he was unaware of any reason for the introduction of the added language.

Applicants have amended the claims to remove the added language. Claim 1, as currently amended, is now drawn to a method of delivering nutrition which includes administering by a parenteral route a nutritively effective amount of one or more nutrients and one or more insulinotropic peptides to a patient in need of parenteral nutrition. Applicants submit that these amendments do not change the patentability of the claims as argued in the June 28th submission.

For example, the instant claim 1 is not anticipated by Habener for reasons previously provided at page 5, line 12 to page 9, line 4, of the June 28th submission. Namely, Habener does

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not teach a method of parenterally administering a nutritively effective amount of one or more nutrients and one or more insulinotropic peptides to a patient in need of parenteral nutrition.

Nor is claim 1 rendered unpatentable over the Specification disclosure as to the state of the prior art in view of Habener and/or Eng for the reasons provided in the June 28th submission, see page 9, line 5 to page 11, line 24. Neither Habener nor Eng teaches or suggests the use of insulinotropic compounds for any other purpose than to lower the plasma glucose levels of patients with diabetes or hyperglycemia.

Accordingly, Applicants submit that claim 1 and claims dependent thereon, remain patentable in light Habener and the Specification in view of Habener and/or Eng.

New Claim Objections

Claims 17, 18 and 47 are objected to under 37 CFR 1.75(c), for allegedly being of improper dependent form for failing to further limit the claim. Applicants have amended claims 17, 18 and 47 to obviate this objection.

Issues under 35 U.S.C. 112

Claims 1, 17-19, 21, 23-26, 28-39, 41, 43-45, and 47-51 are rejected under 35 U.S.C. 112, second paragraph for alleged being indefinite. Claims 17, 18, and 47 are alleged to lack antecedent basis since they depend from canceled claim 2. Applicants have amended the claims to obviate this rejection. Claims 1, 41, 44 and claims dependent thereon are alleged to be independent because the term "D-terminus ketones thereof" is not understood. Applicants have amended the claims to obviate this rejection.

Claim 42 is rejected under 35 U.S.C. 112, first paragraph for allegedly introducing new matter. Support for claim 42 can be found at least at page 10, lines 6-15, of the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. 112.

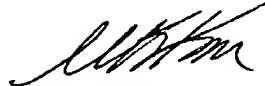
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CONCLUSION

Applicants respectfully submit that the claims are now in condition for allowance. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

Applicants believe that no fee is necessitated by the present paper. However, in the event any fees are due or any amount is to be credited, Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 01-0535.

Respectfully submitted,



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